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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/547,294	04/11/2000	Glen Sharp	SYMA-01043USOMCF/SES	4987
23910	7590	07/20/2004	EXAMINER	
FLIESLER MEYER, LLP FOUR EMBARCADERO CENTER SUITE 400 SAN FRANCISCO, CA 94111			WANG, LIANG CHE A	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/547,294

Applicant(s)

SHARP ET AL.

Examiner

Liang-che Alex Wang

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-34 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over DynamicAccess® Technology, 3COM Technical Paper, hereinafter DynamicAccess in views of Davis et al., US Patent Number 5,937,160 hereinafter Davis.
4. Referring to claim 1, DynamicAccess has taught a method for updating a configuration specification of a computer, the method comprising the steps of:
 - a. receiving a configuration file from administrator (page 10, col. 1, lines 29-30) containing location settings (page 10, col. 1, lines 17-22);
 - b. writing location values corresponding to the location settings into the configuration specification of the computer (page 10, col. 1, lines 1-33.)DynamicAccess however has not explicitly taught the configuration is sent to the user through e-mail.

However, Davis has explicitly taught that any non-text file could be included with an e-mail message as attachment. (Col 12, lines 43-50.)

A person with ordinary skill in the art would have recognized that the main purpose of the invention is to allow the administrator to send configuration file to the client's computer. Using e-mail attachment has been a well-known method to send file from one computer to another as taught by Davis (Col 2 line 66 – Col 3 line2.)

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to have an e-mail containing location settings encoded in an attachment, and let the user to receive the e-mail and to have the user's computer configured by opening the attachment as taught by Davis, because e-mail attachment has been a well-known method to communicating files between computers, and Davis has taught the delivery of revised information could be send using standard email utility (such email attachment.)

5. Referring to claim 2, DynamicAccess in views of Davis have taught an invention as described in claim 1, DynamicAccess in views of Davis had further included the configuration includes a destination of a location name corresponding to the configuration specification (page 10, configuration sending from the administrator to the remote site must contain the destination for the location name corresponding to the configuration specification, otherwise the invention would not work for its purpose;) and wherein configuration specification of the computer corresponds to the location name. (page 1, the configuration is set by the administrator for a particular computer at a particular location so the client could work properly at the location and it is the whole purpose of DynamicAccess's invention, therefore the configuration specification of the computer must corresponds to the location name.)

6. Referring to claim 3, DynamicAccess in views of Davis have taught an invention as described in claim 1, DynamicAccess has further taught wherein the location settings are generically defined so as to apply to a variety of operating systems. (Page 10, col. 2, lines 41-47; DynamicAccess could be used on a variety of operating system.)
7. Referring to claim 4, DynamicAccess in views of Davis have taught an invention as described in claim 3, DynamicAccess has further taught determining an operating system type for the computer; and generating the location values by interpreting the location settings for the operating system type for the computer. (Page 10, paragraph 18 already stated that the invention could be applied to a variety of operating systems, therefore when the configuration file is sent from the administrator to the client, the operating system must be determined, and the location values must be generated by interpreting the location settings for the operating system type for the computer, so the location settings for this particular operating system could be configured into this particular computer.)
8. Referring to claim 5, DynamicAccess in views of Davis have taught an invention as described in claim 4, DynamicAccess has further taught wherein the interpreting step is performed by referring to program logic which translates the location settings into location values as a function of the operating system type for the computer. (Page 10, paragraphs 19 already stated that the invention could be applied to a variety of operating systems, and there must have program logic to translate the location settings into location values for the computer.)

9. Referring to claim 6, DynamicAccess in views of Davis have taught an invention as described in claim 5, DynamicAccess has further taught wherein the location settings specify Internet settings. (Page 10 Col 1, lines 17-22.)
10. Referring to claim 7, DynamicAccess in views of Davis have taught an invention as described in claim 5, DynamicAccess has further taught wherein the location settings specify an internet protocol address, a domain name server configuration, a gateway and a WINS configuration. (Page 10 Col 1, lines 17-22.)
11. Referring to claim 8, DynamicAccess in views of Davis have taught an invention as described in claim 5, DynamicAccess has further taught wherein the location settings specify dialing settings or local area network settings. (Page 10 Col 1, lines 17-22.)
12. Referring to claim 9, DynamicAccess has taught a method for providing user's client computer with configuration settings, the method comprising the steps of:
 - a. specifying a location name for the user's client computer (page 10, col 1, lines 17-33, the location name must be specified, since the location setting is provided for this specific location;)
 - b. specifying location settings corresponding to the location name (page 10, col 1, lines 17-33;)
 - c. sending the configuration to the use (page 10, col 1, lines 4-8.)

DynamicAccess however has not explicitly taught the configuration is sent to the user through e-mail.

However, Davis has explicitly taught that any non-text file could be included with an e-mail message as attachment. (Col 12, lines 43-45.)

A person with ordinary skill in the art would have recognized that the main purpose of the invention is to allow the administrator to send configuration file to the client's computer. And e-mail attachment has been a well-known method to send file from one computer to another.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to create an e-mail containing location settings encoded in an attachment, and send the e-mail and to the user as taught by Davis, because e-mail attachment has been a well-known method to communicating files between computers.

13. Referring to claim 10, DynamicAccess in views of Davis have taught an invention as described in claim 9, DynamicAccess has further taught wherein the location settings are generically defined so as to apply to a variety of operating systems. (Page 10, col. 2, lines 41-47; DynamicAccess could be used on a variety of operating system.)
14. Referring to claim 11, DynamicAccess in views of Davis have taught an invention as described in claim 10, DynamicAccess has further taught wherein the location settings specify Internet settings. (Page 10 Col 1, lines 17-22.)
15. Referring to claim 12, DynamicAccess in views of Davis have taught an invention as described in claim 10, DynamicAccess has further taught wherein the location settings specify an internet protocol address, a domain name server configuration, a gateway and a WINS configuration. (Page 10 Col 1, lines 17-22.)
16. Referring to claim 13, DynamicAccess in views of Davis have taught an invention as described in claim 10, DynamicAccess has further taught wherein the location settings specify dialing settings or local area network settings. (Page 10 Col 1, lines 17-22.)

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17. Referring to Claims 14-21, Claims 14-21 encompass the same scope of the invention as that of the Claims 1-8. Therefore, the Claims 14-21 are rejected for the same reason as the Claims 1-8.

18. Referring to Claims 22-26, Claims 22-26 encompass the same scope of the invention as that of the Claims 9-13. Therefore, the Claims 22-26 are rejected for the same reason as the Claims 9-13.

19. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over DynamicAccess® Technology, 3COM Technical Paper, hereinafter DynamicAccess in view of Davis et al., US Patent Number 5,937,160 hereinafter Davis, in further view of Lennert et al., US Patent Number 6,055,227, hereinafter Lennert.

20. Referring to claim 27, DynamicAccess has taught a method for updating a configuration specification of a computer, the method comprising the steps of:

- a. receiving a configuration file from administrator (page 10, col. 1, lines 29-30) containing location settings (page 10, col. 1, lines 17-22);
- b. writing location values corresponding to the location settings into the configuration specification of the computer (page 10, col. 1, lines 1-33.)

DynamicAccess however has not explicitly taught the configuration is sent to the user through e-mail.

However, Davis has explicitly taught that any non-text file could be included with an e-mail message as attachment. (Col 12, lines 43-50.)

A person with ordinary skill in the art would have recognized that the main purpose of the invention is to allow the administrator to send configuration file to the client's

computer. And using e-mail attachment has been a well-known method to send file from one computer to another.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to have an e-mail containing location settings encoded in an attachment, and let the user to receive the e-mail and to have the user's computer configured by opening the attachment as taught by Davis, because e-mail attachment has been a well-known method to communicating files between computers.

Furthermore, DynamicAccess in view of Davis has not taught wherein the location settings are selectable during computer startup by the user.

However, Lennert has taught when user would like to select a network configuration engineering feature, user is required to select the location of the new network configuration database (Col 9 lines 56-58.)

A person with ordinary skill in the art would have recognized that since the configuration setting of DynamicAccess is dynamic. Multiple configurations must be presented for different location. And it is required to select one particular configuration in order to connect user's computer to the network, without setting a particular configuration will cause the system non-functional, therefore a method for setting a particular configuration is required and Lennert has taught a user selecting the location of a new configuration before accessing the new configuration. And selecting the location before use is viewed as selection during computer startup.

Therefore, it would have been obvious for a person with ordinary skill in the art at the time the invention was made to have wherein the location settings are selectable during

computer startup by the user, because a location selection for the new configuration is required as taught by Lennert.

21. Referring to claim 28, DynamicAccess in views of Davis have taught an invention as described in claim 27, DynamicAccess in views of Davis had further included the configuration includes a destination of a location name corresponding to the configuration specification (page 10, configuration sending from the administrator to the remote site must contain the destination for the location name corresponding to the configuration specification, otherwise the invention would not work for its purpose;) and wherein configuration specification of the computer corresponds to the location name. (page 1, the configuration is set by the administrator for a particular computer at a particular location so the client could work properly at the location and it is the whole purpose of DynamicAccess's invention, therefore the configuration specification of the computer must corresponds to the location name.)
22. Referring to claim 29, DynamicAccess in views of Davis have taught an invention as described in claim 27, DynamicAccess has further taught wherein the location settings are generically defined so as to apply to a variety of operating systems. (Page 10, col. 2, lines 41-47; DynamicAccess could be used on a variety of operating system.)
23. Referring to claim 30, DynamicAccess in views of Davis have taught an invention as described in claim 29, DynamicAccess has further taught determining an operating system type for the computer; and generating the location values by interpreting the location settings for the operating system type for the computer. (Page 10, paragraph 18 already stated that the invention could be applied to a variety of operating systems,

therefore when the configuration file is sent from the administrator to the client, the operating system must be determined, and the location values must be generated by interpreting the location settings for the operating system type for the computer, so the location settings for this particular operating system could be configured into this particular computer.)

24. Referring to claim 31, DynamicAccess in views of Davis have taught an invention as described in claim 30, DynamicAccess has further taught wherein the interpreting step is performed by referring to program logic which translates the location settings into location values as a function of the operating system type for the computer. (Page 10, paragraphs 19 already stated that the invention could be applied to a variety of operating systems, and there must have program logic to translate the location settings into location values for the computer.)
25. Referring to claim 32, DynamicAccess in views of Davis have taught an invention as described in claim 31, DynamicAccess has further taught wherein the location settings specify Internet settings. (Page 10 Col 1, lines 17-22.)
26. Referring to claim 33, DynamicAccess in views of Davis have taught an invention as described in claim 31, DynamicAccess has further taught wherein the location settings specify an internet protocol address, a domain name server configuration, a gateway and a WINS configuration. (Page 10 Col 1, lines 17-22.)
27. Referring to claim 34, DynamicAccess in views of Davis have taught an invention as described in claim 31, DynamicAccess has further taught wherein the location settings specify dialing settings or local area network settings. (Page 10 Col 1, lines 17-22.)

Response to Arguments

28. Applicant's arguments filed 5/20/2004, have been fully considered but they are not persuasive.

29. In that remarks, applicant's argues in substance:

- a. That: "None of the cited references include selecting location settings during startup by the user ... selection of the location before use is not equivalent to selection during computer startup."

This is found not persuasive because Lennert has taught when user would like to select a network configuration engineering feature, user is required to select the location of the new network configuration database (Col 9 lines 56-58.) Lennert has taught selection prior than using the configuration includes selection during computer startup, because location must be selected prior then the use, therefore configuration selection must be done prior ^{to} ~~than~~ computer startup is completed, which includes the time frame during computer startup.

- b. That: " Claims 1-26 are believed to be allowable since there is believed to be no suggestion to combine the Davis et al., and Dynamic Access® Technology reference."

This is not found persuasive because Dynamic Access Technology has taught most of the limitation of applicant's invention except the limitation of configuration file is sent to an user through an e-mail as an attachment. And Davis provides the teaching of any non-text file can be attached in a e-mail and

send to a user. Davis does not necessarily teach all the configuration part of the invention since Dynamic Access Technology has already taught it. A person with ordinary skill in the art would have been motivated to send non-text files with includes the configuration file through e-mail, since it is known in the art to transfer non-text files through e-mail attachments as taught by Davis.

Furthermore, DynamicAccess has also stated on page 10 lines 22-27, that he configuration can be distributed over the network or **by e-mail** as a single icon for each configuration

Conclusion

30. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Liang-che Alex Wang whose telephone number is (703) 305-8159. The examiner can normally be reached on Monday thru Friday, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T Alam can be reached on (703)308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Liang-che Alex Wang
July 13, 2004



HOSAIN ALAM
SUPERVISORY PATENT EXAMINER